

sion, and presented an official copy of it to Lieutenant Colonel Hill.

Dr. P. B. Hill, having been presented to the joint session by the President of the Senate, thanked the Members of the Legislature for the invitation extended to his son to address the joint session.

The Speaker then presented Governor Coke R. Stevenson, who introduced Lieutenant Colonel David Lee Hill to the joint session.

Lieutenant Colonel Hill addressed the joint session and related certain experiences as a member of the United States air forces in the far East.

At the conclusion of the address, the President requested the Senate to repair to the Senate Chamber.

In the Senate

The President called the Senate to order at 3:30 o'clock p. m.

Adjournment

On motion of Senator Lanning, the Senate, at 3:31 o'clock p. m., adjourned until 10:00 a'clock a. m. tomorrow.

THIRTEENTH DAY

(Tuesday, February 2, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Cotten was granted leave of absence for today and the balance of this week on account of a death in his family, on motion of Senator Lanning.

Acceptance of Service Flag

Senator Moffett submitted the following memorial, which was read to the Senate:

Whereas, Our Nation, the United States of America was invaded and ruthlessly attacked, December 7, 1941, with thousands of our civilians and members of our armed forces killed, by Japan. Nazi Germany and Facist Italy then declared war upon the United States in sympathy with Japan;

Whereas, Texas war mothers and grandmothers of soldiers, sailors and marines in active duty of the armed forces of this Nation during World War II, have united and formed an organization of Mothers of World War II, which was duly granted a charter by the State of Texas, January 14, 1942, for the purpose of engaging in benevolent, charitable, educational, missionary undertakings and especially to render sisterly love and spiritual advice, and material aid to the mothers, wives, sisters and families of men who serve our country during wars, and to assist in perpetuating the history of each Texan serving in said wars, and cooperate with other organizations who are engaging in aforesaid activities, provided such organizations pledge allegiance to the United States flag and are willing to make sacrifices to preserve the unity of our Nation, in order to provide our sons with equipment to protect our Nation and their lives;

Whereas, Members of the Texas Legislature and Senate have answered the call to arms to protect our Nation during this great war, a Service Flag has been designed and made by Mrs. Ovid Ferguson-Rasor, Organizer-President of Mothers of World War II, to perpetuate the history of these valiant Texas men;

Whereas, The American Legion, who represents our national defenders of other wars and also this war, is furnishing hospitalization for our sons as they return disabled from wounds

in combat duty, has been asked, along with Mothers of World War II, to join in presenting these Service Flags to the Texas House and Senate and that the American Legion conduct the necessary ceremonies. The foregoing includes the Veterans of Foreign Wars; therefore, be it

Resolved, That we, the Mothers of World War II, in accordance with the principles outlined in the charter of our organization, concur with the foregoing resolution, by signing our names as follows:

Signed:

MRS. OVID FERGUSON-RASOR,
Organizer-President;
MRS. MARGARET DAVIS,
First Vice President;
MRS. BESS WHITE,
Second Vice President;
MRS. VIVIAN WATSON,
Recording Secretary;
MRS. O. V. PRICE,
MRS. E. F. DAVENPORT,
Treasurer;
MRS. W. A. BOWLING,
MRS. JOE W. BROWN,
MRS. HELEN V. MUELLER,
MRS. MARIE DRYDEN,
MRS. A. R. KAVANAUGH,
MRS. JAMES W. WILSON.

Senator Moffett moved that the Service Flag referred to in the foregoing resolution of the Mothers of World War II be accepted by the Senate.

The motion was adopted unanimously by a rising vote.

Reports of Standing Committees

Senator Chadick submitted the following report:

Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred S. B. No. 26, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Senator Beck submitted the following report:

Austin, Texas,
February 1, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was re-

ferred S. B. No. 87, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee substitute for said bill do pass and be printed.

BECK, Chairman.

Senator Vick submitted the following report:

Austin, Texas,
January 28, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 21, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Jones, Beck, Metcalfe, Aikin, Hazlewood, Metcalfe, Morris, Vick, and Bullock:

S. B. No. 126, A bill to be entitled "An Act amending Article 7151 of the Revised Civil Statutes of Texas, 1925, providing for the partial release from liability for all ad valorem taxes for the year 1943 and subsequent years where property is acquired by purchase or condemnation by the United States Government or any tax exempt instrumentality thereof; providing for the repeal of all conflicting laws; and declaring an emergency."

To Committee on State Affairs.

By Senator Lanning:

S. B. No. 127, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor prior to January 1, 1943, and for which no appropriations have heretofore been made; and declaring an emergency."

To Committee on Finance.

By Senator Morris:

S. B. No. 128, A bill to be entitled "An Act amending Article 4542-a, Chapter 8, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, Forty-fourth Legislature, 1935; and amending Chapter 8, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by the Forty-fourth Legislature, 1935,

by adding new Articles, to be known as Article 4542-b, Article 4542-c, Article 4542-d, Article 4542-e, Article 4542-f, Article 4542-g, Article 4542-h, and Article 4542-i; and amending Chapter 8, Title 12 of the Penal Code of Texas by amending Articles 757, 758 and 758-a, so as to provide for a State Board of Pharmacy; providing qualifications for and methods of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice pharmacy in Texas to pass an examination; providing subjects of and method of giving examinations; providing exemptions therefrom; providing grounds for refusal of and suspension and cancellation of licenses; prescribing examination fee; providing certain exemptions; providing for reciprocity; defining terms used herein; specifying acts constituting penal offenses; and providing penalties therefor; repealing all laws and parts of laws in conflict with this Act; declaring that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and declaring an emergency."

To Committee on Public Health.

By Senator Chadick:

S. B. No. 129, A bill to be entitled "An Act limiting the hours of labor and prescribing wages for overtime labor of female employees employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, hotel, restaurant, rooming house, theater, moving picture show, barber shop, road side drink and/or food vending establishment, telegram, telephone or other office, express or transportation company, or any State institution, or any other establishment, institution or enterprise where females are employed, any laundry, any factory engaged in the manufacture of cotton, woolen or worsted goods or articles of merchandise manufactured out of cotton goods; compelling each employer of female labor in the businesses, establishments, or institutions set out above to provide suitable seats for such female employees when not engaged in their active duties; providing that notice of said suitable seats shall be prominently posted; providing exceptions

for certain types of employment and for certain employees working in rural districts and cities or towns of less than three thousand (3,000) inhabitants; providing certain exemptions in times of extraordinary emergencies, providing that the Commissioner of Labor Statistics may grant exemptions in the case of war; setting out certain powers and duties of the Commissioner of Labor Statistics, and giving the Commissioner of Labor Statistics the power to promulgate certain rules and regulations, and make certain written orders; setting up a procedure of informal hearings; providing for the posting of notices when employers make application for an exemption; providing for the content of said notices; providing for cancellation of exemption under certain circumstances; providing that an exemption can not be used as a defense after notice of cancellation has been given; setting out penalties for the violation of this Act; providing for the repeal of Chapter 56 of the General Laws of 1915, Regular Session of the Thirty-fourth Legislature; Chapters 86 and 87 of General Laws of 1929, Forty-first Legislature, First Called Session; Chapter 114 of General Laws of 1933, Regular Session of the Forty-third Legislature; Articles 1569, 1570, 1571, 1572 of Title 13, Chapter 3 of the Penal Code of Texas, Articles 5168, 5169, 5170, 5171 and 5172 of Chapter 6, Title 83 of the Revised Civil Statutes of Texas, are hereby specifically repealed, and all other laws and parts of laws in conflict herewith are hereby repealed; declaring the provisions of this Act to be severable; and declaring an emergency."

Referred to Committee on Labor.

By Senator Fain:

S. B. No. 130, A bill to be entitled "An Act for the purposes of releasing to the members of the Armed Forces of the United States of America and their auxiliaries and members of the Armed Forces Reserve of the United States of America and their auxiliaries all interest and penalties on State and county ad valorem taxes accruing on property listed on the tax rolls of any county in the name of such members of the Armed Forces or their auxiliaries or the Armed Forces Reserve or their auxiliaries prior to the time they joined such

Armed Forces or such auxiliaries; providing that the release of such interest and penalties shall extend for the duration of World War II, and providing that the respective members of such Armed Forces and such auxiliaries shall be allowed a period not to exceed six months after the cessation of hostilities in which to pay without interest and penalty the delinquent taxes due by them; providing for the suspension of all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 109, A bill to be entitled "An Act amending Article 1939 of the Revised Civil Statutes of Texas 1925, providing for the registering of the official discharge of the members of the Armed Forces of the United States of America and Armed Force Reserve of the United States of America and of Auxiliary Units of the Armed Forces and Armed Force Reserve of the United States of America; providing the method and place of recording, providing that the County Clerk shall do the recording; providing that no charge shall be made for recording; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 4 on Engrossment

The President laid before the Senate on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 4, A bill to be entitled "An Act amending Article 4706 of the Revised Civil Statutes [relative to securities held by certain insurance companies]; and declaring an emergency."

Senator Stone offered the following committee amendments to the bill:

(1)

Amend S. B. No. 4 by striking out of Section (c) of Article 4706 the following: "as they accrue" and insert in lieu thereof the following: "of such municipally owned revenue water system and sewer system bonds or warrants."

(2)

Amend S. B. No. 4 by striking out of line two (2) of Section (f) of Article 4706 the following: "not less than forty (40) per cent of" and insert in lieu thereof the following: "at least forty (40) per cent more than."

The amendments were adopted severally.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 4, Section 1, line 43 of the printed bill by adding immediately following the word "defaulted," the following:

"Provided further the current market value of such stocks, bonds, notes, bills, or other evidences of indebtedness shall be at all times during the continuance of such loans at least 20% more than the sum loaned thereon."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 4 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	Vick

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Brownlee	Metcalf
Bullock	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Stone
Lanning	Sulak
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—4

Aikin	Chadick
Beck	Shivers

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	Vick

Senate Bill 11 on Second Reading

Senator Moffett moved that Section 5 of Article III of the Constitution be suspended and that S. B. No. 11 be taken up for consideration by the Senate at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	Vick

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 11, A bill to be entitled "An Act authorizing appeals in certain cases direct from trial courts to the Supreme Court; authorizing the Supreme Court to prescribe rules of procedure for such appeals; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 11 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	Vick

The President then laid S. B. No. 11 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—1

Moore

Absent—Excused

Cotten

Kelley

Fain

Spears

Formby

Vick

Senate Bill 18 on Second Reading

Senator Metcalfe moved that Section 5 of Article III of the Constitution be suspended and that S. B. No. 18 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin

Mauritz

Beck

Metcalf

Brownlee

Moffett

Bullock

Moore

Chadick

Morris

Graves

Ramsey

Hazlewood

Shivers

Jones

Stone

Lane

Sulak

Lanning

Weinert

Lemens

Winfield

Lovelady

York

Martin

Absent—Excused

Cotten

Kelley

Fain

Spears

Formby

Vick

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 18, A bill to be entitled "An Act amending Section 1, S. B. No. 192, Chapter 180, page 449, General Laws of the Thirty-ninth Legislature, Regular Session, 1925, to provide that any person who for four years or more has been the holder of a State first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State permanent first grade certificate; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following committee amendments to the bill:

(1)

Amend S. B. No. 18, Section 1, by striking out the word "permanent"

and by adding at the end of the Section the following: "which shall be valid for a period of two calendar years from the date of issuance. Provided further, the provisions of this Act shall expire and be of no further force and effect after September 1, 1945."

(2)

"Amend caption to conform" to change in body of bill.

The amendments were adopted severally:

The bill was passed to engrossment.

Senate Bill 18 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin

Mauritz

Beck

Metcalf

Brownlee

Moffett

Bullock

Moore

Chadick

Morris

Graves

Ramsey

Hazlewood

Shivers

Jones

Stone

Lane

Sulak

Lanning

Weinert

Lemens

Winfield

Lovelady

York

Martin

Absent—Excused

Cotten

Kelley

Fain

Spears

Formby

Vick

The President then laid S. B. No. 18 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin

Lanning

Beck

Lemens

Brownlee

Lovelady

Bullock

Martin

Chadick

Mauritz

Graves

Metcalf

Hazlewood

Moffett

Jones

Moore

Lane

Morris

Ramsey
Shivers
Stone
Sulak

Weinert
Winfield
York

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears
Vick

Senate Bill 33 on Second Reading

Senator Lovelady moved that Section 5 of Article III of the Constitution be suspended and that S. B. No. 33 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin
Beck
Brownlee
Bullock
Chadick
Graves
Hazlewood
Jones
Lane
Lanning
Lemens
Lovelady
Martin

Mauritz
Metcalf
Moffett
Moore
Morris
Ramsey
Shivers
Stone
Sulak
Weinert
Winfield
York

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears
Vick

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 33, A bill to be entitled "An Act enacting a new Article of the Penal Code of Texas to be known as Article 1391a, defining the offense of burglary of a motor vehicle; prescribing the punishment therefor; and declaring an emergency."

The bill was read second time.

Senator Lovelady moved that further consideration of the bill be set as a special order for tomorrow immediately after completion of the morning call and the disposition of the House bills on the calendar for that day.

The motion prevailed.

Senate Bill 44 on Second Reading

Senator Weinert moved that Section 5 of Article III of the Constitution be suspended and that S. B. No. 44 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin
Beck
Brownlee
Bullock
Chadick
Graves
Hazlewood
Jones
Lane
Lanning
Lemens
Lovelady
Martin

Mauritz
Metcalf
Moffett
Moore
Morris
Ramsey
Shivers
Stone
Sulak
Vick
Weinert
Winfield
York

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act the purpose of which is to change the method for handling delinquent children from the present criminal procedure to guardianship in order to secure for each child coming within the Act such care, guidance and control as will serve the child's welfare and the best interest of the State; providing for a juvenile court in each county of the State in the county or district courts already established; defining certain terms; providing for the procedure in cases of delinquent children; manner of hearing; dispositional power of juvenile court; selection of custodial agency; providing for support of children committed to custodial agency; prescribing that records shall be confidential; permitting physical and mental examinations of children upon order of the court; prescribing places of detention; court session; cooperation; contempt; and methods of appeal; saving clause; repealing clause; and declaring an emergency and effective date to be sixty (60) days after enactment."

The bill was read second time.

On motion of Senator Weinert, and by unanimous consent, the bill was tabled subject to call.

Bill and Resolution Signed

The President signed in the presence of the Senate the following enrolled resolution and bill:

H. C. R. No. 19.

H. B. No. 38.

Senate Bill 62 on Second Reading

Senator Brownlee moved that all rules relative to the consideration of bills during the first 60 days of the Regular Session be suspended, to permit the immediate consideration by the Senate of S. B. No. 62.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 62, A bill to be entitled "An Act providing for the registration for exclusive use by owners of livestock in this State of tattoo marks; providing for the administration of this Act through the Department of Public Safety; describing the procedure for the registration; providing for the filing of protests; providing for registration fees and the collection thereof; providing for the allocation of such fees to the expense of administering this Act; describing the method of granting or issuing of a certificate of registration for the exclusive use of such registered tattoo marks; providing for the annual renewal thereof; providing for

the assignment thereof; fixing violations of this Act and providing penalties therefor; and declaring an emergency."

Senator Brownlee offered the following amendments to the bill:

(1)

Amend S. B. No. 62 by striking out the words "horses, mules, cattle" and the comma after "cattle" wherever the same appears.

(2)

Amend S. B. No. 62 by striking out the words "Travis County" and inserting in lieu thereof the following: "the county where the contestant resides."

The amendments were adopted severally.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 62, Section 7, by striking out all of Section 7 after the words "State Treasurer" and inserting in lieu thereof the words "in the General Revenue Fund."

The amendment was adopted.

(President pro tempore in the Chair.)

Senator Brownlee moved to amend the caption to conform to the changes in the body of the bill.

The motion prevailed.

Senator Lovelady offered the following amendment to the bill:

Amend S. B. No. 62 by adding to the bill a new Section to be properly numbered, to read as follows:

"It shall be the duty of the Director to forward to the County Clerk of the applicants residence a certified copy of said registration to be filed in the County Clerk's Office of said County in a regular book for that purpose, the filing fees to be paid by the person so registering said tattoo mark and said filing fee shall not exceed the sum of twenty-five (25) cents."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 62 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 62 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

The President pro tempore then laid S. B. No. 62 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Nays—1

Aikin

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

(President in the Chair)

Senate Bill 98 on Second Reading

Senator Winfield moved that all rules relative to the consideration of bills during the first 60 days of the Regular Session be suspended, to permit the immediate consideration by the Senate of S. B. No. 98.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 98, A bill to be entitled "An Act appropriating Two Thousand, Nine Hundred Nine Dollars and Seventy-seven cents (\$2,909.77) supplementing the appropriation made by the Forty-seventh Legislature for the payment of taxes for county purposes only to counties in which are located endowment lands set aside to the University of Texas by the Constitution of the State of Texas in the Act of 1883; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 98 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 98 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Bullock	Martin
Chadick	Mauritz
Fain	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey

Stone
Sulak
Vick

Weinert
Winfield
York

Absent—Excused

Cotten
Formby
Kelley

Shivers
Spears

The President then laid S. B. No. 98 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin
Beck
Brownlee
Bullock
Chadick
Fain
Graves
Hazlewood
Jones
Lane
Lanning
Lemens
Lovelady

Martin
Mauritz
Metcalf
Moffett
Moore
Morris
Ramsey
Stone
Sulak
Vick
Weinert
Winfield
York

Absent—Excused

Cotten
Formby
Kelley

Shivers
Spears

Reports of Standing Committees

Senator Moffett, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 108, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 7, have had same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 24, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

KELLEY, Chairman.

Senator Fain, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on County and County Boundaries to whom was referred

H. B. No. 201, A bill to be entitled "An Act authorizing cities and towns operating under special charter granted by the Legislature, as adopted or amended pursuant to the Home Rule Amendment to the Constitution of the State of Texas to submit to qualified property taxpaying voters the proposition of the issuance of bonds to provide funds for paying certain valid judgments outstanding against the general operating fund of such cities, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Vice Chairman.

Senate Bill 49 on Second Reading

Senator Bullock moved that the rules forbidding the consideration of bills during the first 60 days of the Regular Session be suspended, to permit the immediate consideration by the Senate of S. B. No. 49.

The motion prevailed by the following vote:

Yeas—26

Aikin
Beck
Brownlee

Bullock
Chadick
Fain

Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey
Lanning	Stone
Lemens	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 49, A bill to be entitled "An Act authorizing the State Department of Education to issue State Teachers Certificates to teachers of the deaf or the blind, fixing the requirements for such teachers in both academic and vocational subjects, limiting these teachers with special qualifications to such special schools; and declaring an emergency."

The bill was read second time.

On motion of Senator Bullock, and by unanimous consent, further consideration of the bill was set as a special order for tomorrow immediately after disposition of the Senate bill previously set as a special order for that day.

Senate Bill 28 on Second Reading

Senator Moore moved that the rules forbidding consideration of bills during the first 60 days of the Regular Session be suspended, to permit the immediate consideration by the Senate of S. B. No. 28.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 28, A bill to be entitled "An Act to amend Article 527 of the Penal Code of Texas so that the same shall read as hereinafter stated, and provide that the editing, publishing or dissemination of any newspaper, pamphlet, magazine or any printed paper devoted mainly to the publication of scandals, whoring, lechery, assignations, intrigues between men and women and immoral conduct of persons, or the possession or keeping for sale or distribution or assisting in the sale or distribution of any such newspaper, pamphlet, magazine or printed matter, or the showing of lewd and lascivious motion pictures, or the showing or exhibition of lewd and lascivious pictures in penny arcade machines, or the distribution or sale of indecent objects or images, shall be a misdemeanor offense, the penalty for which shall be confinement in the county jail for not more than six (6) months or fined nor more than One Thousand (\$1,000.00) Dollars; or by both such fine and imprisonment; and repealing all laws in conflict with this Act insofar as they conflict with this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 28 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Beck	Lanning
Brownlee	Lemens
Bullock	Lovelady
Chadick	Martin
Fain	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Jones	Moore

Morris	Vick
Ramsey	Weinert
Stone	Winfield
Sulak	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

The President then laid S. B. No. 28 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

Senate Concurrent Resolution 10

Senator Metcalfe, by unanimous consent, offered the following resolution:

S. C. R. No. 10, Inviting Hon. James A. Farley to address a joint session of the Legislature.

Whereas, Former Postmaster General and National Democratic Chairman, James A. Farley is to be in Texas shortly; and

Whereas, General Farley is one of the outstanding citizens of this Nation, a staunch Democrat and loyal patriot, and has always been a friend of Texas and Texans; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That an invitation be extended to General Farley to address the Texas Legislature at a time convenient to him, during his stay in Texas.

METCALFE.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Fain, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 2, 1943.

Hon. John Lee Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 29, A bill to be entitled "An Act validating elections heretofore held in any Independent School District in this State, at which a maintenance tax for the amount and purpose stated was authorized by the qualified voters voting upon the proposition; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 109, to the Committee on Counties.

Senate Bill 129 Re-referred

On motion of Senator Chadick, and by unanimous consent, S. B. No. 129 was withdrawn from the Committee on Labor and re-referred to the Committee on Civil Jurisprudence.

Advance Printing of Bills

On motion of Senator Moffett, and by unanimous consent, it was ordered that S. B. 117 be printed in advance of its consideration in committee.

On motion of Senator Lovelady, and by unanimous consent, it was ordered

that S. B. No. 113 be printed in advance of its consideration in committee.

Relative to Executive Session

Senator Chadick moved that the Senate hold an executive session at this time to consider nominations of the Governor.

Senator Martin raised a point of order against consideration of the motion, on the ground that the rules of the Senate require that an executive session must be set for a day subsequent to the day when the motion to hold it is agreed to unless the Senate by unanimous consent agrees to hold the session on the same day the motion is made.

The President sustained the point of order, and further, stated that the notice of Senator Brownlee relative to an executive session as given on yesterday had become moot.

Senator Fain asked unanimous consent that the Senate go into executive session at 12:03 o'clock p. m. today.

The President announced there was objection to the request.

Motion to Adjourn

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—8

Aikin	Moore
Brownlee	Ramsey
Lovelady	Stone
Moffett	Weinert

Nays—18

Beck	Lemens
Bullock	Martin
Chadick	Mauritz
Fain	Metcalf
Graves	Morris
Hazlewood	Sulak
Jones	Vick
Lane	Winfield
Lanning	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

Senator Fain moved that the rule prohibiting the holding of an execu-

tive session on the same day the motion is made to set the time for holding it be suspended, to permit the holding of an executive session of the Senate today.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Beck	Lemens
Bullock	Mauritz
Chadick	Metcalf
Fain	Morris
Graves	Ramsey
Hazlewood	Sulak
Jones	Vick
Lane	York
Lanning	

Nays—9

Aikin	Moore
Brownlee	Stone
Lovelady	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

Senator Martin moved that an executive session of the Senate be held at 2:00 o'clock p. m. tomorrow.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Fain	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Shivers
Formby	Spears
Kelley	

Adjournment

On motion of Senator Lovelady, the Senate, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.